J.7.64-92

G. R. S. IX-5]

Previous references. 1892-93 ~~191~~ . (Courts)

File No. 26.

Serial Nos. 1 & 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 & 2.

M B ~~Part B~~ for May 1899

SUBJECT.

Rules for the Conduct of Suits filed against Government Officers.

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82. 2). To the Heads of Departments
No 12629-67 dated 6th May 1899
J. 157-9

Directs the discontinuance of the transmission to Government of the annual Statement of ~~Civil~~ Suits filed by or against Public officers.

W D 1250--GPB—30,000--28-1-19

Endorsed

countermarked

Courts 268 92

1888.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 25th September 1888.

No. 4668-79.
Cir. No. 137.

Rules for the conduct of suits filed against Government officers.

Mysore Government Press, Bangalore.—8-11-88.—150.

Courts-26-92 (2

Proceedings of the Dewan to His Highness the Maharaja of Mysore, (Judicial),—dated 25th September 1888.

No. 4668-79—Cir. 137, dated Bangalore, 25th September 1888.

Order.—In *re* suits against Government officers against their proceedings as Government officers, the following rules are prescribed for their information and guidance :—

1. On receipt of notice under Section 424 of the Civil Procedure Code from parties intending to file suits against Government officers, the latter shall at once send for the records of the case which gave rise to the complaint and satisfy themselves as to the reasonableness or otherwise of the threatened action.

2. If, after careful examination of the case, the complaint be found reasonable, the officer concerned shall, if he has jurisdiction and is otherwise competent to do so, grant at once the redress sought for. If the granting of the redress he considers reasonable, be not within his jurisdiction, he shall at once apply to Government for orders.

3. If, however, the complaint be frivolous and not based upon any right, he will collect information for conducting the defence, but will, at the same time, submit to Government for its information a report of the case.

4. The reports to Government to be submitted under paras 2 and 3 above must be brief, but should contain a clear statement of the facts and law at issue, with the officer's opinion upon the same, and be accompanied by a copy of the order complained of. They should reach the Government at least a whole fortnight before the expiry of the two months allowed by Section 424, Civil Procedure Code.

5. On receipt of summons from Courts giving formal notice of the suit, the officer concerned shall, whenever the time fixed for answering the plaint is insufficient, obtain an extension of the same (geneallly for 3 months from date of service of summons) under Section 423, Civil Procedure Code, and shall, at the same time, submit the case for the orders of the Government. The reference should refer to previous correspondence with, and orders of Government, if any, on the subject of the suit, and be accompanied by the draft of the written statement which the officer sued may propose to file, together with brief arguments in support of each ground. The Government Advocate will thereupon be consulted by Government in all important or doubtful cases. The report under this para should reach the Dewan's office at least a whole month before the date fixed for the hearing of the suit.

6. Similarly early intimation of adverse decrees shall be given to Government to decide in consultation with the Government Advocate as to further proceedings in higher courts.

7. The conduct of the defence shall, in Districts where there are Government Prosecutors who are at the same time enrolled Pleaders of the Chief Court, be entrusted to them; in other Courts, to the best local Pleader.

8. In complicated cases requiring greater experience and legal knowledge, the services of the Government Advocate may be applied for through Government.

9. The remuneration for the conduct of the defence shall ordinarily be the maximum amount calculated according to rates of costs of the suit assessable by the Court, together with such additional sum as may be fixed by Government in each case upon the report of the officer under para 5 above. Where the Pleaders may have to travel to put in appearance in the Courts, travelling allowance at the rate of three rupees a day or a mileage at six annas will be passed.

10. It must be distinctly understood that the Government are not bound to defray the costs of the defence in all suits. The officers concerned must undoubtedly bear them where their proceedings have been condemned as irregular and quite opposed to law, or to the standing Order of Government or the established practice of the Department concerned.

R. VIJAYINDRA RAO,
Chief Secretary.

To—The Deputy Commissioners of Districts.
The Public Prosecutors of Mysore and Shimoga.
The Registrar, Chief Court.
The Government Advocate.

(4)

Sub. with a draft

13-8-92

Local Boards.

1. Spare.

2. Give extract of the Councillors note to General Department for submission to me of the printed proceedings regarding Suits against Government and their defence at public expense.

Rusby V.A.R.

26 July.

Submitted Vk. Read 28/7

Jud. Portman

11-8-92 £1

28/7/92

Proceedings of the Government of Mysore (4)

Order. No. 1416-23 / L 89. (3)

Dated Bangalore, 26th July 1892.

When any suit is brought by or against a Municipality, the same should be invariably reported to Government and also the result of the Suit. In reporting upon the Institution of a Suit, the President should clearly state the grounds on which he proposes to conduct or defend the Suit.

2. If any suits are now pending before a Court, the same should be reported at once with a clear statement of each case.

(Sd.) T. A. R.

26th July. Chief Secretary.

(Sd.) P. C.

20. 7. 92

To, Presidents of all Municipalities
& — Comptroller. Chief Secretary.

It would be a good thing if we

D

can get annually a statement of suits brought by or against Government in all Departments with their results. It is true each case is reported to Government but an annual Statement of the kind will be instructive, will you call for an annual Statement?.

(Init.) P. C.

Compd 6/.

Copd

Sir, A

8

On most of the returns only the initial of the Chief Secretary appears. On a few of them it is ordered that they should be tabulated. The object with which the returns were called for does not appear in Pro. No 2858-98 of 18 Aug 1892 calling for them.

Subo
8/11/95

To
The 1st Comr.
A similar return always comes from the D.P.W. which ought to be Office thereof - Insp 8/11

My whom was the order of 18 Aug 92 passed - Please refer to the act under which the returns are called for.
8/11/95

Read 11/11

10)

Through the Public Officers Protection draft Regulation file. Nothing in it seems exactly to point to the object with which the annual returns may have been called for.

In the foot-note to Pro. No. 1416-23 / L. 99 of 26 July 1852 (J.J. 7. 64 of 1852 heretofore) it is pointed out to the Chief Secretary by Mr. Chentsal Rao that an annual statement of the kind would be instructive & it is also suggested that the annual statements may be called for.

Subs
PL
7/12/35

There were several instances in which, Suits were filed by parties for recovery of Sums owing to neglect of the authority to promptly adjust bills or settle claims. There were also some cases defended in which there could be no equitable defence. Cases of this kind cropped up against the Nagpur Municipality especially & Mr. Chentsal Rao desired to have intimation of these Suits so that in important Cases affecting Govt. interest Govt. may be in a position to either withdraw from the defence or advise as to the course to be pursued. ~~defence to be adopted.~~ Govt. assistance in the Case of.

(11) 39

Ramaswamiyer vs the
Executive Engineer of the
Kolar Mysore, the question
~~involved~~ was mostly in re-
involving Canals of Revenue
Court, and was utterly
mismanaged in the lower
Courts. I remember a case
in which the
Dewan Rao directed the
Mysore President to com-
promise a case as the
claim was unreasonable
and the defence purely
technical. The intention
was to save money and
trouble by timely Govt
intervention, for instance
there is I find a suit
against the Bangalore
Municipality for the
recovery of Rs 3268
with interest (243) for
Gravel supplied. I would
humbly suggest that the
records may be called
for, especially in view
of the Councillor's remarks
on more than one occasion
of the inefficiency of the
Engineering branch of the
Municipality. J.P.

7/12 Submd to Hon'ble Councillor

129

The submission of these annual Statements may, I think, be discontinued. They entail unnecessary labor and serve no useful purpose.

When there is an important suit affecting the affairs of such Company a special report may be made thereof and addressed to the Governor.

Respectfully

7/12/75

To Governor

(B

X
in the margin

Secretary's remarks on the covering docket: Sl. no 40. from the Deputy Commissioner of the Kolar District submitting the statement giving the particulars of the suits filed by or against the Public Servants officers in his District. Letter No: 348. 84.
Genl No 741. 28/7/97.

X
Was there not some correspondence last year about the discontinuance of this Return & if so how did it end.

Initialled
C. S.
28. 7. 97.

Sub: Returns received from
the Offices of each State
Assay Treasury, the Chief
Engineer and the Engineer
of Prisms &c. Mysore
are sub. Similar
returns from the other
Heads of Departments
and the Dy Commrs
of Dts have not yet
been received. Last
year only two returns
were received and
these were ordered to
be filed (Please see
S. Nos. 40, 41, 42 & 43 in
the file). Copies of these
(S.L. No. 40) may be seen
ordered to be kept up the
correspondence regarding
the discontinuance
of this Return. The
file not being there
traceable, it was
not put up. Again

Serial No 42, It was ordered that the file must be placed room. Search was being made since then and the file has been found out and duly received. The circ referred to by the Secy as S.R. No 40, is that denoted by Sl No 39 in the file.

31/8/98

Sd/ Illegible

These returns seem to have been called for at the instance of N. Chemical Rep, & it was thought that annual statements of this kind would be instructive. (vide Serial No 3)

The returns so far received have called for any remarks. The A.C. recommended in his remark dt 7/12/98 the continuance of such returns (vide Serial No 4) & statements received up to date be

Sd/
7/9/98

16

The Deacon cannot
see his way clear to
take any further action
in the matter referred to
in the letter of
Nov 39. The Deacon
cannot see how
any useful purpose
can be served by
pursuing
the matter from all
points of view. I
beg to suggest that
an order be made
that the costs
may be taxed

Ruled by Deacon
1-9-98.

7/12/95

Lib
12/9/98

Issue a Simple
Order that the
Petitioner do
pay the Costs
of the Petition
as taxed

21/4/99

21/4/99

(17)

Mysore Dewan's Office
Bangalore 18th August
1892

(4)

Reg no 103.

No. 2858-98
J. F. 64-'92 Dt 18-8-92

Courts 26-92

Abstract

Forms received & Space & paper required printing the forms will be printed & supplied after the heading & form are settled as follows:-

Form
Col 1 No of the case
2 Name of the Counsel who submitted the suit &c

8L 1.

It is requested that Heads of Departments will in future submit by 1st August an annual statement in the accompanying form showing the number of suits filed by or against Public officers with the result thereof. The return for the past year ending on 30th June last should be submitted at once

Dewan W. Rangachariar
Chief Secretary

To The Heads of all the Departments in the Mysore Province.

Statement Showing the Number of Suits Filed
for the year ending with June 189 — 189

No. of the case	Name of the Court in which the suit is filed	Name of the Plaintiff	Name of the Defendant	Particulars of the claim	Date of the suit	Date and No. of the Proceedings showing the present condition of the case
1	2	3	4	5	6	7

	8	Result of the suit
	9	Date of the decree
	10	Whether appeal has been preferred and if so when by whom and in which Court and the number of the appeal
	11	Date and Nos of the Proceedings of the Govt sanctioning prosecution or the defence of the appeal
	12	Result of the appeal and the date of the decree
	13	Steps taken to satisfy the final decree passed in the case and how and when the decree is satisfied.
	14	Remarks

Copy of grant-Public Affairs in Dakhan

Proceedings of the Government of His Highness the Maharaja of Mysore, (Judicial),—dated 18th August 1892.

No. 2858-98—J. F. 64-92.

MYSORE DEWAN'S OFFICE,
Bangalore, 18th August 1892.

MEMO.

It is requested that Heads of Departments will in future submit by 1st August an annual statement in the accompanying form showing the number of suits filed by or against Public Officers with the result thereof. The return for the past year ending on 30th June last should be submitted at once.

T. ANANDA ROW,
Chief Secretary.

To—The Heads of all the Departments in the Mysore Province.

FORM.

1. Number of the Case.
2. Name of the Court in which the suit is filed.
3. Name of the Plaintiff.
4. Name of the Defendant.
5. Particulars of the Claim.
6. Date of the Suits.
7. Date and Number of the Proceedings sanctioning the prosecution or defence of the suit.
8. Result of the Suit.
9. Date of the Decree.
10. Whether Appeal has been preferred and if so, when, by whom, and in which Court and the Number of the Appeal.
11. Date and Number of the Proceedings of the Government, sanctioning prosecution or the defence of the Appeal.
12. Result of the Appeal and the Date of the Decree.
13. Steps taken to satisfy the final decree passed in the case and how, and when the decree is satisfied.
14. Remarks.

Exd.—B.C.R.

1892.

GOVERNMENT OF MYSORE.

JUDICIAL.

PROCEEDINGS.

Dated 18*th August* 1892.

No. 2858-98.
J. F. 64-92.

Calling for an annual statement showing the number of suits filed by or against Public Officers with the result thereof.

Mysore Govt. C. Press, Bangalore.—24-8-92.—150.

(57) 12629—67 21

J1579 dated 6/5/99.

Order:—

The Heads of Departments are requested to discontinue the transmission, in future of the annual statement showing ~~the number of~~ suits filed by or against Public officers ~~with the result thereof~~, prescribed in Govt. Pro: No. 2858-98 of 18/8/92, the submission of the required ~~the~~ ~~submitted by~~ ~~of~~ ~~by~~ ~~3 years~~ ~~of the~~ Govt. Pro: No 4668-79 dated 25/4/99. Cir 137 by 25 Sept/88 ~~been~~ ~~amended~~ ~~& sufficient~~ - Secty

J.764 dated 92

4/5/99

To The Head of all Depts in the Province.

Submitted to Secy with a copy of Pro: J 2579/88

4—5—99.

11240
Draft Order
with a small
addn

4/5/99

Courts 26—92

2

22/4.

Submitted for
pro renewal
25/4/99

11160
Why not add
as para 2 the
substance of para 2
of my note
dated 22.4.99

Order
Has not been issued
Attach order already
on the subject
25/4/99

26-4-99

22

51

Proceedings of the Government of Mysore, Judicial, dated 6th May 1899.

No. 12629-67—J. 1579, DATED BANGALORE, 6TH MAY 1899.

ORDER.—Heads of Departments are requested to discontinue the transmission in future of the annual statement of suits filed by or against Public Officers, prescribed in Government Proceedings No. 2858-98—J. F. 64-92, dated 18th August 1892, the submission of the report required to be submitted to Government by para 3 of Proceedings of the Dewan, No. 4668-79—Cir. 137, dated 25th September 1888, being considered sufficient.

Secy. to Govt., Gen. & Rev. Depts.

To—The Heads of all Departments.

Exd.—G.S.

1898-99

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 6th May 1899

No. 12629-67 / J. 1579

Directing the discontinuance of the transmission to Government of the annual statement of suits filed by or against Public Officers.

SBP—12-5-99—400